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AD HOC OPEN-ENDED INTER-SESSIONAL WORKING GROUP
ON ARTICLE 8(j) AND RELATED PROVISIONS OF THE
CONVENTION ON BIOLOGICAL DIVERSITY

First meeting
Seville, 27-31 March 2000

BRIEFING NOTE FROM THE SPANISH AND COLOMBIAN GOVERNMENTS ON
PROTECTED AREAS AND INDIGENOUS PEOPLES

Note by the Executive Secretary

At the request of the Government of Spain, the attached briefing note on the Workshop on Practical Experiences in the Management of Protected Areas by Indigenous Peoples in Latin America, which was held in Cartagena, Colombia, from 29 November to 5 December 1999, is being circulated for the information of participants in the first meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity. It is being made available in the original languages only.

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**BRIEFING NOTE FROM THE SPANISH AND COLOMBIAN GOVERNMENTS ON
PROTECTED AREAS AND INDIGENOUS PEOPLES FOR THE WORKING GROUP
ON TRADITIONAL KNOWLEDGE OF THE CONVENTION ON BIOLOGICAL
DIVERSITY**

Sevilla, Spain, 27 – 31 March 2000

Background

1. A Workshop on Practical Experiences in the Management of Protected Areas by Indigenous Peoples in Latin America was carried out in Cartagena de Indias, Colombia, from the 29th of November to the 5th of December, 1999, organized by the Institute for Latin American Co-operation of the Spanish Agency for International Co-operation, in co-ordination with the World Wide Fund for Nature – WWF-Spain / ADENA, ECODESARROLLO and the Special Administrative Unit of the National Parks System of Colombia. The workshop involved participation by representatives from indigenous communities in the region, protected area managers, and officials from international organizations and NGOs working in this field. This Briefing Note is offered to the Contracting Parties to the Convention on Biological Diversity and other interested parties at the request of the participants in the said event.

2. The event brought together representatives from indigenous peoples, as well as government and non-governmental organizations associated with practical experiences in managing protected areas with the participation of indigenous peoples in Latin America countries. The final objective of the workshop was to seek strategies and lines of action that would consolidate and expand approaches of co-management and autonomous management of protected areas by indigenous peoples, in cases where these areas have been established upon their lands, territories and ancestral resources. For practical purposes, both in the workshop and in this document the terms “co-management with indigenous peoples” and “autonomous management of protected areas by indigenous peoples” has been summed up in the concept “co-management”.

3. The workshop consisted mainly of presenting case studies prepared by the participants on their respective areas, and analyzing in work groups what approaches had been used, what had been achieved, what problems, deficiencies and needs existed, and the opportunities offered by the approach of co-management, both in strengthening protected areas and in protecting indigenous peoples’ rights in those areas.

4. The subject of the above-mentioned workshop has a direct relationship with paragraph a) and j) of Article 8 “In Situ Conservation” of the Convention on Biological Diversity. Paragraph a) of this article states that each Contracting Party shall, as far as possible and as appropriate, “establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity”; paragraph j) lays down that each Contracting Party shall, “subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles... and promote their wider application...”. Insofar as the two said conditions form an integral part of Article 8, on in situ conservation of biodiversity, it should be understood that the essential spirit of paragraph j) is related to the contribution of the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles to the in situ conservati

of biodiversity, both inside and outside protected areas. The subject of the workshop therefore specifically explored the connections between paragraphs a) and j) of Article 8 of the Convention on Biological Diversity, and also considered the theme of the event as a way of contributing to the implementation of paragraph c) of Article 10, which calls on the Contracting Parties to protect and encourage “customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements”.

5. In Decision IV/15, the Conference of the Parties to the Convention on Biological Diversity called on the Convention’s Executive Secretary to develop relationships with other processes, with a view to encouraging practices of good management regarding, among other things, methods and approaches related to protected areas. Additionally, in Decision IV/5, the Conference of the Parties ratified the Working Programme on Marine and Coastal Biodiversity, which includes an Operational Objective 3.2 on developing criteria for establishing and managing marine and coastal protected areas, which in turn involves the need to provide orientation on the maintenance and application of local and traditional knowledge, in accordance with activity 1.2.h) of the said Plan, and the participation of local and indigenous communities in accordance with its Basic Principle 5. Thus, a major part of the Convention’s mandate regarding protected marine and coastal areas is the development of guidelines and orientation about the conditions of paragraph a) of Article 8, including, provided that it is relevant, matters pertaining to the association between this paragraph and paragraph j). In other words, the Convention’s guidelines should incorporate elements relating to the contribution of knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles to the conservation of biodiversity within protected areas, particularly those which these communities inhabit and whose resources they use.

6. Throughout the Workshop, and also in the preparation of this briefing note participants at the meeting and the Spanish and Colombian governments have paid particular attention to the fact that the Contracting Parties to the Convention on the Protection of Wetlands of International Importance (Ramsar Convention), in their Seventh Conference, adopted Guidelines for Establishing and Strengthening Local Communities’ and Indigenous People’s Participation in the Management of Wetlands. This document represents an important step and a useful reference for the task facing the Convention on Biological Diversity in terms of developing similar guidelines on the management of ecosystems or important areas for the conservation of biodiversity, inside and outside protected areas. The said guidelines of the Ramsar Convention are annexed to this Briefing Note.

7. The Workshop studied and took note of the major advances that have been made in the area of policies on indigenous peoples promoted by conservation organizations, particularly the adoption of the document Principles and Guidelines on Indigenous and Traditional Peoples and Protected Areas by the World Commission on Protected Areas of the World Conservation Union (WCPA/IUCN) and the World Wide Fund for Nature (WWF). The said document has been annexed to this Briefing Note.

8. Furthermore, the Workshop carefully examined the implications of Convention 169 of the International Labour Organization (ILO) on Indigenous and Tribal Peoples in Independent Countries (Convention 169) for matters relating to protected areas that overlap lands, territories and resources that are possessed, occupied or traditionally used by indigenous communities, and noted that, today, and especially in Latin America, this Convention

represents a fundamental reference for any approach to subjects relating to the creation and management of these areas.

9. The Workshop also studied the document on Conclusions from the Workshop on Protected Areas and Indigenous Territories by the First Latin American Congress on National Parks and Other Protected Areas, held in Santa Marta, Colombia, in May 1997, and recommended its use as reference material in developing new policies and actions in this field. The said document has been annexed to this Briefing Note.

10. With this background, the Spanish and Colombian governments offer this Briefing Note with the aim of contributing to the preparation of guidelines and orientations to facilitate the application of Article 8 of the Convention on Biological Diversity, especially paragraphs a) and j). At the same time, both governments wish to express their interest in this matter being incorporated into the Working Group debates on Article 8 j), and its subsequent work programme.

Results of the Workshop on Practical Experiences in the Management of Protected Areas by Indigenous Peoples in Latin America

11. The participants concluded that, firstly, there exist common interests for the co-management of protected areas by indigenous peoples in cases where their lands, territories and resources lie within these areas. Protected areas have been considered by indigenous peoples in some cases as a strategic instrument in allowing them to conserve and protect their territory and their natural resources, as a means of achieving their basic rights of autonomy in managing their own affairs.

12. In any case, it seemed clear to the Workshop participants that for these common interests to lead to co-management processes in protected areas, the primordial basis is full recognition of indigenous peoples' rights to their lands, territories and resources contained within these areas, in accordance with the spirit of Convention 169. Thus, the Workshop stressed the need for this Convention to guide the development and application of any policy or regulation relating to protected areas that overlap the lands, territories or traditional resources of indigenous communities.

13. The Workshop stressed the fact that the relationship between protected areas and indigenous peoples is a dynamic process, where concepts have evolved and will continue to do so in accordance with the diversity of situations and the advances which are made, both in the field of managing protected areas and in the recognition and validity of indigenous peoples' rights. In this context, it was admitted that the participation of indigenous communities in the management and the creation of protected areas overlapping their territories must be recognized as a right of these communities, and should therefore take place whenever such overlapping exists.

14. The Workshop concluded that in setting up and managing protected areas, there must exist full respect for indigenous peoples' traditions and culture, by governments, conservation agencies and other involved parties. It is essential to take into account that, for them, their territory contains the foundations of all structures that guarantee their survival as distinct cultures. Recognition of this fact is a precondition for the management of protected areas that overlap those territories.

15. The Workshop realized that in most of the cases studied, there existed no essential incompatibility between indigenous and governmental perspectives as to the zonation or management of indigenous territories within protected areas. What had happened in many cases was mainly a change in technical denominations and categories, in terms of the language or the ways or means used: emphasis was therefore placed on the need to identify points of convergence between these two perspectives, and agree on mechanisms with the objective of integrating them. In this context, it should be noted that these perspectives on management of indigenous territories within protected areas involve the aggregate of indigenous communities' knowledge, innovations and practices relevant to the conservation and sustainable use of biological diversity.

16. The participants examined the existing connections between the indigenous vision of the Universe, indigenous communities' knowledge, innovations and practices, and issues related to biodiversity conservation in protected areas created on their lands, territories and traditional resources. They concluded that these issues cannot be separated from indigenous peoples' vision of the Universe and their very lifestyles. Therefore, there should be an effort to achieve consistency and integration between protected area management plans and integral development plans (or "Plans of Life" as they are called by some indigenous peoples in Colombia) for the respective indigenous communities, according to suitable criteria for sustainable development and conservation that involve the spiritual dimension of indigenous vision of the Universe, and the need to protect indigenous territories as a basis and fundamental part of the communities' lifestyles.

17. Although the Workshop recognized that, in principle, there exists no incompatibility between protected areas and indigenous territories, it pointed out that achieving conservation objectives in these areas would depend on the way management agreements were carried out and on the actions put forward to achieve clear understanding between the parties. In the process of establishing co-management systems, the Workshop recommended adopting the approach of seeking agreements step-by-step, with initial and intermediate stages aimed at easing mutual understanding, dialogue and confidence-building between the parties. In practical terms, this also involves the convenience of implementing collaboration and mutual support mechanisms between the administration of the protected area and the indigenous territory, and seeking a dynamic way to establish relationships of trust, convergence and reciprocity.

18. The Workshop participants identified deficiencies and inconsistencies in the terminology used in processes and experiences of co-management of protected areas with indigenous communities. Terms currently in use, not necessarily with synonymous meanings, which should be clarified, include participatory management, co-management, co-administration, joint management, and collaborative management.

19. In this context, the Workshop participants proposed that the co-management of protected areas with their respective indigenous communities should be conceived as a process tending progressively towards a system of autonomous indigenous management, where the government takes care of the general political framework of the protected areas, and leaves the indigenous communities to directly manage their lands and resources contained within these areas, always bearing in mind that this carries a shared responsibility by the indigenous peoples and the relevant governmental organizations.

20. Effective co-management of protected areas by indigenous peoples requires the whole process to be defined and agreed upon by the parties from the outset; this should be applied especially in setting up new protected areas which overlap indigenous peoples' lands, territories and resources.

21. Attendees at the Workshop characterized participation as a process of constructing spaces for shared decision-making, seeking to reach agreements to define responsibilities and obligations for all the interested parties. It was stressed that in order to take part, all interested parties should have an appropriate level of information and training, and that it is fundamental to put into practice participation processes from the general level of the joint drawing-up of national and international conservation policies, something which requires institutional setting to adapt to ethnic and cultural diversity. At the same time, it should be considered that participation depends on the strengthening of each community as regards their knowledge and customs, their internal organization, the role of traditional authorities, and the recognition and education of their leaders.

22. Among the objectives of participation of indigenous communities in establishing and managing protected areas, the following were identified:

- i) Conserving the area with its biological and cultural diversity, and the indigenous territory considered as a source of health, education and knowledge for the people.
- ii) Improving the quality of life of the indigenous communities who live in or around protected areas.
- iii) Strengthening indigenous peoples' rights, indigenous autonomy, and indigenous self-regulation.
- iv) Incorporating indigenous peoples' traditional territorial management and laws as a basis for protected area zonation.

23. The participants considered that achieving inter-cultural confluence between indigenous peoples and protected areas requires the recognition of the very existence of indigenous peoples within them, and the recognition of their rights over their territories, whether in existing protected areas that overlap them, or where they are intended to be established. Governments must be willing to recognize and amend any errors that may have been made in the past in this regard, and review the protected area systems accordingly, including the re-classification of areas where necessary, to adapt them to indigenous peoples' territorial rights, use of resources, and cultural practices.

24. Workshop participants expressed the need to take into account communities' own systems of regulation, authority, time-space management, law and philosophy, and to recognize the conceptual differences between indigenous and non-indigenous planning for protected areas, in order to identify common and complementary elements. The present mode applied in protected areas is often unilateral and unicultural, ignoring the basis and concepts of indigenous vision of the Universe. In this sense, intercultural confluence should be sought between western science and indigenous knowledge. Furthermore, there is a need to encourage

indigenous peoples' self-management of their territory, something for which tools must be sought to more adequately bring together indigenous and non-indigenous viewpoints, including those of the government and the civil society

25. Participants pointed out that it is essential to give legal recognition to ethnic diversity in each country, to traditional authorities, and to indigenous peoples' rights over their lands, territories and traditional resources inside and outside protected areas. In this sense participants recognized the fact that resolving these problems goes beyond the specific affair of protected areas.

26. In any case, participants concluded that the protected areas legislation should be adapted to the provisions of Convention 169, especially as regards the recognition of these rights, in all those countries where this document has been ratified. This reform of the legal framework on protected areas, in order to make it consistent with Convention 169, should include mainly

- i) legal recognition of rights over lands, territories and traditional resources of indigenous peoples inside protected areas.
- ii) new concepts on the use of natural resources inside protected areas to ensure the subsistence of the communities who live there.
- iii) regulations for the transference of authority to the communities, so that they can fulfil certain functions of vigilance and control inside these areas.
- iv) regulations so that communities can penalize offences committed by their members on indigenous lands and territories that is inside protected areas.
- v) regulations allowing traditional authorities to act as environmental authorities on their territories contained within protected areas.

27. In order to promote conciliation between indigenous peoples and national authorities on the use and management of resources in protected areas, confidence needs to be built among the different parties involved in the process, building bridges, forming links, and establishing long-term joint relationships between governments and indigenous communities. Agreements should include general principles, such as the recognition that natural areas are places culturally constructed by indigenous peoples, and that conservation should be understood in terms of ancestral indigenous management, which includes its own systems of administration and authority.

28. Workshop participants pointed out that there should be full co-responsibility between government and indigenous communities in common management activities in protected areas. Indigenous communities should have access to all existing information on the protected areas that lie on their territories, and authorities must act with complete transparency in this respect. The same transparency in providing information must be required from indigenous communities.

29. Given that there are budgetary limitations and that the participation of international agencies is temporary, a way must be found to sustainably finance management activities in

protected areas, by means of carrying out projects with indigenous communities, so that resources are generated not only for communities' sustainable development, but also for the management of protected areas.

30. Workshop participants pointed out that, among the specific aspects that should be included in co-management agreements for protected areas, the following are especially important:

- i) training activities on natural resource management;
- ii) creating registers of indigenous knowledge that may be used for subsequent legal and economic purposes;
- iii) strengthening indigenous cultures and local indigenous organizations
- iv) incorporating indigenous and lifestyle standards, in addition to indigenous vision of the Universe - particularly traditional ecological knowledge and traditional land-management practices - into protected area management plans
- v) excluding sub-soil exploitation operations that may endanger the area's conservation;
- vi) support from governments and international organizations to deal with any external pressure
- vii) improving the quality of life of the peoples concerned, and supporting communities' self-management processes, as well as supporting communities in buffer zones;
- viii) preparing a code of conduct to guide the actions of government agencies, companies, research, co-operation agencies, etc., with respect to communities living in voluntary isolation or not contacted;
- ix) setting up pre-established and agreed progress indicators, and creating monitoring systems to measure results, progress and efficiency of actions.

31. Another important element mentioned by Workshop participants was the need to promote the creation of networks to exchange regional experiences in the management of protected areas on indigenous territories.

32. Participants considered that it would be useful to set up specific funds for protected area management by indigenous communities, allowing funds to be channelled from governments, from international co-operation and other organizations, so that these communities may take part in spending decisions. Additionally, alternative self-financing mechanisms should be developed through eco-tourism, resource-extraction activities or fees for services. All these activities should respect the principles of control by indigenous authorities, re-investment of profits in the area itself, social and environmental regulation, education and two-way dialogue between different cultural systems.

33. Participants recommended that efforts be made to improve understanding of the population at large on indigenous vision of the Universe, particularly regarding protected areas, and how important it is for biodiversity conservation that indigenous peoples directly manage their own territory under conditions of sustainability.

Declaration by Indigenous Participants in the Workshop

34. Indigenous participants in the Workshop decided to issue a declaration which was presented in the Workshop's final plenary session, and which all the other participants recommended including as part of the event's final report. The text of this declaration is as follows:

“We the indigenous people, responding to the wisdom of the spirits of our rivers hills, jungles, lakes, plains and others, and also to the knowledge of our wise men past, present and of infinite time, assume the voices of the trees, animals and all disappeared species of life; and we say in written words:

1. That international, national and local organizations offer urgent support to indigenous experience in the management of ecosystems, under concepts of co-habitation and sustainable use of biodiversity in protected areas, indigenous territories or natural monuments in Latin American countries and around the world.

2. That these organizations facilitate, achieve or co-ordinate indigenous participation in the restructuring of legal instruments or standards, and also the very concepts of protected areas, biosphere reserves, parks or even the concept of identity, so that the appropriate organizations (UNESCO, IUCN, and others), build new, up-dated parameters for categorizing zones, compatible with indigenous vision of the Universe.

3. Furthermore, the organizations that supported the defence of biodiversity and the environment are organized world-wide into networks so that monitoring and final assessment are effective, the indigenous people propose that we set up a means of organizing a permanent network among indigenous experiences in countries, possibly by means of co-ordination set up in this Workshop.

4. Hold a Workshop with attendance from indigenous technicians, professional academics, and government representatives, to build capacity in legal instruments for management or use”.

Final Recommendations and Follow-up Actions

35. Workshop participants requested that the Spanish and Colombian governments delivered this Briefing Note to the Secretariat of the Convention on Biological Diversity, and in this way facilitate distribution of the event's results among all the countries that are Contracting Parties to the Convention, and also other groups interested in the subject, on the opportunity of the deliberations of the Working Group on Traditional Knowledge.

36. Particularly, participants requested the two governments to recommend the Convention on Biological Diversity to prepare Guidelines, Standards and other orientations on protected areas that overlap indigenous and traditional peoples' lands, territories and resources. These instruments should be prepared as part of the process towards discussing the subject of protected areas by the Seventh Conference of the Parties to the Convention at the latest. The content of this Briefing Note may serve as a useful starting-point for preparing such instruments.

37. In this process, it should be taken into account that the 5th World Congress on National Parks and Other Protected Areas is to be held in the year 2002 in Durban, Republic of South Africa; this event could represent an important step along the process towards the Seventh Conference of the Parties.

38. Bearing in mind the above, and echoing the feelings of the Workshop participants, the Spanish and Colombian governments propose that the Working Group on Traditional Knowledge integrate the subject of the relationship between protected areas and indigenous and local communities embodying traditional lifestyles in their Work Programme, with the aim of preparing Guidelines, Standards and other orientations for the Parties.

39. In developing this process, the Spanish and Colombian governments, echoing the sentiments of the Workshop participants, recommend that the Working Group builds on what has already been done in other institutions and experiences, integrate all interested parties, and pay special attention to the participation of indigenous and traditional communities.

40. The Spanish and Colombian governments wish to express their intention to continue collaborating with actions relating to the subject of the Workshop and its follow-up, both on a Colombian national level and at the level of Latin American countries, and they also hope to contribute to the development of related actions in the context of the work programme of the Convention on Biological Diversity.

41. The Spanish and Colombian governments wish to express their gratitude to the Latin American indigenous organizations who took part in the event and decisively supported it, to the governmental protected area agencies who participated, to the non-governmental organizations who formed part of the organizing team and provided their valuable technical contribution – particularly the WWF – World Wide Fund for Nature, the IUCN – World Conservation Union, the WCPA – World Commission on Protected Areas, and Ecodesarrollo; and to all other institutions who sent representatives to the Workshop. The spirit of dialogue and openness that reigned throughout the event was a key condition for its success and for achieving the results obtained.

ANNEXES

Annex 1

Conference of the Parties to the Ramsar Convention

Guidelines for establishing and strengthening local communities' and indigenous people's participation in the management of wetlands

1. RECALLING the *Guidelines for the implementation of the wise use concept* (Recommendation 4.10) and the *Additional guidance for the implementation of the wise use concept* (Resolution 5.6), which seek to encourage the involvement of local communities in the development of management plans for Ramsar sites and decision-making processes related to the wise use of wetlands
2. AWARE of the relevant paragraphs of Resolution 1.51 of the World Conservation Congress in Montreal in 1996 in relation to indigenous people and the Narashino Statement from the International Wetland Symposium at the Yatsu-Higata Ramsar site in Japan in 1995, which called for active and informed participation by local people and communities in wetland management, and the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters adopted in Aarhus, Denmark, in June 1998;
3. AWARE of the International Labour Organization's Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries
4. ALSO AWARE that in many contexts indigenous people and local communities are already involved in managing and using wetlands sustainably, and have long-standing rights, ancestral values, and traditional knowledge and institutions associated with their use of wetlands;
5. FURTHER RECALLING Recommendation 6.3 which in particular called on the Ramsar Bureau, in consultation with the World Wide Fund for Nature (WWF), the Kushir International Wetlands Centre, the Caddo Lake Institute, IUCN - World Conservation Union, Contracting Parties, and other relevant NGOs, to evaluate the benefits of involving local and indigenous people in the management of wetlands and produce for consideration at this Conference guidelines on how the participatory approach can advance the adoption and application of the wise use principle of the Convention;
6. ACKNOWLEDGING that Operational Objective 2.7 from the Convention's Strategic Plan 1997-2002 describes actions intended to "*encourage active and informed participation of local communities, including indigenous people, and in particular women, in the conservation and wise use of wetlands*", including implementation of Recommendation 6.3
7. NOTING that the case studies documented and analysed in preparing the Guidelines on how to implement the participatory approach have revealed that involving local stakeholders can accelerate the move towards achieving the Ramsar goal of wise use of wetlands in accordance with Article 3.1 of the Convention, when such participation is

pursued within the full framework of actions encouraged by the Convention, and that the lessons learned from these case studies can assist Parties and others in fostering participatory approaches that avoid the mistakes encountered by others

8. FURTHER NOTING that the theme of the 7th Meeting of the Conference of the Contracting Parties is *Wetlands and People - the vital link* and that Technical Session III of this Conference examined in detail the tools and mechanisms for promoting the involvement of local and indigenous people in wetland management
9. ALSO NOTING that Technical Session III of this Conference considered and discussed the draft document prepared by IUCN - World Conservation Union, with the support of the Kushiro International Wetlands Centre, the Caddo Lake Institute, the World Wide Fund for Nature (WWF), and the Ramsar Bureau entitled *Guidelines for establishing and strengthening local communities' and indigenous people's participation in the management of wetlands*; and
10. THANKING the Governments of Australia, Switzerland, and the United Kingdom for their financial support for the development of the draft Guidelines and the associated case studies;

THE CONFERENCE OF THE CONTRACTING PARTIES

11. ADOPTS the *Guidelines for establishing and strengthening local communities' and indigenous people's participation in the management of wetlands* contained in the Annex to the present Resolution as further guidance to the Contracting Parties in the implementation of the wise use concept of the Convention and the Convention generally;
12. CALLS UPON Contracting Parties to apply these Guidelines so as to encourage active and informed participation, and the assumption of responsibility, by local communities and indigenous people in the management of Ramsar-listed sites and other wetlands and the implementation of the wise use principles at the local, watershed, and national levels
13. FURTHER CALLS UPON Contracting Parties, when applying the Guidelines annexed to this Resolution, to give priority and special attention to involving women, youth and their representative organizations wherever and whenever possible;
14. URGES Contracting Parties to include extensive consultation with local communities and indigenous people in the formulation of national wetland policies and legislation and to ensure that these instruments, when introduced, include mechanisms consistent with the Annex to this Resolution, for actively engaging and involving the general community with implementation;
15. FURTHER URGES the Contracting Parties to create, as appropriate, the legal and policy context to facilitate indigenous people's and local communities' direct involvement in national and local decision-making for the sustainable use of wetlands, including the provision of necessary resources;
16. INVITES Contracting Parties to ensure that the stakeholders, including local communities and indigenous people, are represented on National Ramsar Committees or

similar bodies, and that, where possible, these non-government stakeholders are represented in the national delegations to future meetings of the Conference of the Contracting Parties;

17. ENCOURAGES Contracting Parties to provide for transparency in decision-making with respect to wetlands and their conservation and ensure that there is full sharing with the stakeholders of technical and other information related to the selection of Ramsar sites and management of all wetlands, with guarantees of their full participation in the process;
18. FURTHER ENCOURAGES Contracting Parties, technical experts, and local and indigenous people to work together in the planning and management of wetlands to ensure that the best available science and local knowledge are taken into consideration in making decisions
19. REQUESTS Contracting Parties to give priority to capacity building for the implementation of participatory approaches with special attention being given to the training of government administrators and local people in facilitation techniques, consultative processes, cultural sensitivity, and the application of the Ramsar Wise Use Guidelines;
20. INVITES Contracting Parties to seek, as appropriate, the involvement and assistance of indigenous people's and community-based groups, wetland education centres and non-governmental organizations with the necessary expertise to facilitate the establishment of participatory approaches;
21. REQUESTS Contracting Parties to recognise that in many cases financial mechanisms and incentives provide a catalyst for fostering participatory processes and should therefore gain priority consideration in efforts to promote the involvement of local communities and indigenous people
22. URGES the bilateral and multilateral donor agencies supporting wetland conservation and wise use projects, and integrated water resource management projects in general, to take into consideration the Annex to this Resolution and the priorities for action at the national level identified herein
23. DIRECTS the Ramsar Bureau to establish a clearing house, create a focal point, and liaise with other international organizations, including the secretariats of international conventions, for information exchange related to participatory approaches and indigenous knowledge systems in support of wetland management, and for information on training and other topics likely to be of use by the Parties in implementing this Resolution, as human and financial resources allow;
24. URGES the Ramsar Bureau and partners to further elaborate on these Guidelines by COP9 in the light of new experiences in establishing and strengthening participatory processes at Ramsar sites and other wetlands, utilizing the experience of International Organization Partners, indigenous people's and community-based groups; and
25. DECIDES that as part of the National Reports to be prepared for COP8, special attention will be given to reporting on significant efforts in implementation of these

Guidelines, and in particular on efforts to enhance the extent and effectiveness of involving local communities and indigenous people in wetland management.

Guidelines for establishing and strengthening local communities' and indigenous people's participation in the management of wetlands

I. Introduction

1. Community involvement and participation in management decision-making for sites included in the List of Wetlands of International Importance (Ramsar sites) and other wetlands have been recognised as essential throughout the history of the Ramsar Convention, but very little guidance on this topic is available to the Contracting Parties. In recognition of this, Recommendation 6.3 of Ramsar COP6 (1996) called upon the Contracting Parties “*to make specific efforts to encourage active and informed participation of local and indigenous people at Ramsar listed sites and other wetlands and their catchments, and their direct involvement, through appropriate mechanisms, in wetland management*”, and assigned the Bureau of the Convention (secretariat), working with IUCN-The World Conservation Union, the World Wide Fund for Nature, Caddo Lake Institute (USA) and Kushiro International Wetlands Center (Japan), the task of commissioning case studies and developing guidelines to assist the Contracting Parties in such efforts.
2. These guidelines were conceived with the premise that local and indigenous people's involvement in wetland management can substantially contribute to effective management practices that further Ramsar's wise use objectives. As defined by Ramsar COP3 (1987), wise use of wetlands is “*their sustainable utilization for the benefit of mankind in a way compatible with the maintenance of the natural properties of the ecosystem.*” Evidence from the 23 commissioned case studies and other experiences in participatory management indicate that local and indigenous people's involvement can, if carried out within the full framework of actions encouraged by the Convention, contribute significantly to maintaining or restoring the ecological integrity of wetlands, as well as contributing to community well-being and more equitable access to resources. In practical terms, the Ramsar Convention concept of “wise use” is equivalent to “sustainable use”.
3. These guidelines are intended to assist Contracting Parties in involving local and indigenous people in wetland management in a manner that furthers the wise use objectives of the Convention.
4. Experience has shown that it is advisable to involve local and indigenous people in a management partnership when:
 - a. the active commitment and collaboration of stakeholders are essential for the management of a wetland (e.g., when the wetland is inhabited or privately owned);
 - b. access to the natural resources within the wetland is essential for local livelihood, security and cultural heritage; and
 - c. local and indigenous people express a strong interest in being involved in management.

5. The case for local and indigenous people's involvement is even stronger when:
 - a. local stakeholders have historically enjoyed customary/legal rights over the wetland;
 - b. local interests are strongly affected by the way in which the wetland is managed;
 - c. decisions to be taken are complex or controversial (e.g., different values need to be harmonised or there is disagreement on the ownership status of the land or natural resources);
 - d. the existing management regime has failed to produce wise use
 - e. stakeholders are ready to collaborate and request to do so; and
 - f. there is sufficient time to negotiate among stakeholders in advance of management decisions being made.

6. It is not possible to provide a definitive list of criteria that will guarantee successful establishment of local and indigenous people's involvement. The breadth of the term "involvement" (from consultation to devolution of management authority) and the variety of local contexts means that there are few if any prerequisites to establishing participatory management. One consistent factor, however, is the possession of beliefs and values that support the Ramsar concept of "sustainable utilization".

7. Involvement of local and indigenous people in resource management falls within the general resource management approach known as *participatory management*. Terms such as collaborative management, co-management, or joint management are more or less synonymous.

8. In the context of these guidelines, *stakeholder* are taken to be bearers of separate interests and/or contributions for the management of a wetland, with a particular focus on interest groups within local and indigenous communities and the government agencies responsible for wetland management.

9. Note that the reference to "local communities and indigenous people" has been shortened to "local and indigenous people." Also, the term "indigenous people" may vary from country to country. Furthermore, "local" is a relative term; some stakeholders may live at a distance from the wetland (such as migrating fisherfolk or pastoralists) and still have traditional claims to its resources.

II. Summary of lessons learned from participatory management case studies

10. **Incentives for local and indigenous people's involvement and wise use are essential: everyone must benefit in the long term**
 - a. Local and indigenous people benefit from participatory management arrangements through the maintenance of sustainable livelihoods, including activities such as:
 - i. fishing and hunting;
 - ii. farming and haying
 - iii. reed harvesting and collection of forest products;
 - iv. salt extraction;
 - v. recreational uses and ecotourism; and

- vi. water for domestic consumption.
- b. Other benefits of participatory management for local and indigenous people include:
 - i. maintaining spiritual and cultural values associated with a wetland
 - ii. more equitable access to wetland resources
 - iii. increased local capacity and empowerment;
 - iv. reduced conflicts among stakeholders; and
 - v. maintaining ecosystem functions (e.g., flood control, improved water quality, etc.).
- c. Government agencies benefit from participatory management arrangements through:
 - i. improved ecosystem viability;
 - ii. reduced management costs;
 - iii. assistance with monitoring and surveillance
 - iv. fewer infringements; and
 - v. enhanced social sustainability and quality of life for communities dependent on wetlands.
- d. Incentives such as tax concessions, subsidies, conservation easements, special arrangements for licenses, increased market access, financial compensation schemes, increased infrastructure, and development activities can, if appropriately structured, further wise use objectives when directed to local and indigenous stakeholders.

11. **Trust among stakeholders is essential and must be developed**

- a. Development of trust among stakeholders takes time, effort and attention. Elements that contribute to building trust include:
 - i. a willingness to seek joint objectives cooperatively
 - ii. mutual effort;
 - iii. mutual respect;
 - iv. open and ongoing communication
 - v. clear and realistic expectations about process outcomes
 - vi. satisfactory and timely completion of agreed tasks;
 - vii. following through on commitments; and
 - viii. participation of all sectors of the community.
- b. Participatory management works best when stakeholders' interests are openly stated.
- c. Clearly stated terms of reference and objectives assist in the establishment of management partnerships.

- d. Participatory management processes require strong facilitation that builds trust among stakeholders. Independent brokers with strong leadership skills are most effective (often this is a role for NGOs).
- e. Appropriate legal or policy frameworks (such as the right to organize, legal recognition of NGOs, conservation easements, etc.) assist in the establishment of participatory management arrangements
- f. Forums, study groups, and workshops can be useful means to increase shared understanding of Ramsar principles and the value of resources being conserved or sustainably used.

12. Flexibility is required

- a. There is no one level of local and indigenous people's involvement that fits all contexts.
- b. There is no one approach or recipe that will make the process work in all contexts.
- c. For participatory management regimes to be successful, it may be necessary to meet basic development needs in the process of pursuing wise use objectives.
- d. "Learning by doing" approach (i.e., ongoing assessment of process and outcomes) allows for re-orientation as needed.

13. Knowledge exchange and capacity building are fundamental

- a. Government agencies often require capacity building in participatory management approaches, such as those specified below for stakeholders.
- b. Stakeholders often require capacity building in:
 - i. establishing and maintaining appropriate organizations
 - ii. effective relations with government agencies;
 - iii. negotiating and contributing to decision-making;
 - iv. technical aspects of wetland management and Ramsar's principles
 - v. monitoring of wetland ecology and identifying changes in ecological character;
 - vi. evaluation of participatory processes; and
 - vii. elaboration and design of project proposals to obtain funding
- c. Local environmental knowledge can make a significant contribution to wetland management strategies, especially when blended with the best available science
- d. Engaging local stakeholders in site monitoring and process evaluation makes a valuable and substantive contribution to achieving participatory conservation objectives.

- e. A multidisciplinary approach utilizing biological and social science expertise is vital for establishing participatory management regimes.
- f. Site monitoring can take advantage of a “marginal cost” approach: technical experts may be engaged, and established facilities (such as university laboratories) may be used at minimal cost.
- g. Networking mechanisms such as regular meetings, newsletters, and radio programmes fulfil information exchange and educational purposes.
- h. Basic Ramsar concepts, stewardship principles and ecological values can be conveyed through the educational curriculum of local schools.
- i. Wetland Centres can:
 - i. catalyse active and informed participation of local and indigenous people
 - ii. serve as demonstration sites for sustainable wetland management;
 - iii. support formal, informal and non-formal educational programs that involve a wide range of stakeholders
 - iv. help to bring local and indigenous people’s concerns to the attention of decision-makers; and
 - v. provide information and advice on wetlands and their management.

14. Continuity of resources and effort is important

- a. Establishing participatory management takes time.
- b. As with any management regime, participatory management may never be fully self-financing.
- c. Financing through donor and/or government channels is important for sustainability.
- d. Appropriate legal and policy frameworks at national and local levels contribute to continuity.
- e. High-level political support, ideally from a number of the appropriate Ministries, is important for maintaining government commitment to participatory management regimes.

III. Engaging local and indigenous people

15. When involving local and indigenous people in the participatory process, those who facilitate or coordinate such efforts should:
- a. Ensure that all stakeholders understand the role of the facilitators/ coordinators.
 - b. Regularly verify that all stakeholders agree upon the basic objectives of the initiative.

- c. Raise awareness of wetland conservation and sustainability issues. Involve local and indigenous people in preparing and running awareness-raising activities.
- d. Ensure the involvement of influential individuals in the community and all sectors of the population, and especially the women and youth of the community.
- e. Encourage stakeholder ownership of the process and participatory management arrangements, ensuring that no key participants are excluded.
- f. Involve and strengthen local organizations and traditional structures that represent different stakeholders among local and indigenous people. Assist in the establishment of such organizations if they do not already exist.
- g. Develop local capacity including organizational and negotiating skills, keeping of records and financial accounts, and conflict management, and provide (as necessary) the meeting place, telephone access, basic equipment, and transportation.
- h. Ensure that persons acting as facilitators and coordinators are properly trained in participatory assessment and planning techniques and possess the necessary facilitation skills.
- i. Work with public-sector stakeholders to build capacity for developing and administering participatory management processes.
- j. Ensure that key parties have a clear understanding of each other's needs, responsibilities and limitations.
- k. Ensure that local and indigenous people learn participatory assessment and planning techniques so that they can be applied to other community concerns.
- l. Ensure that all commitments are met.
- m. Develop a site monitoring and process testing programme using local resources to check progress.
- n. Ensure that tasks taken up by various stakeholders are within their capabilities.
- o. Keep funding agencies aware of issues and progress of participatory management approaches.
- p. Establish networks among communities involved in wetland management and encourage regular contact and sharing of experiences.
- q. Support the application of traditional knowledge to wetland management including, where possible, the establishment of centres to conserve indigenous and traditional knowledge systems.

IV. Measuring local and indigenous people's involvement

16. The following list is a brief, non-exhaustive checklist of indicators that can assist to measure the extent of local and indigenous people's involvement. The sections below correlate with those in Section II (paragraphs 10-14) to assist cross-reference.

17. Incentives

- a. Local and indigenous people have achieved an economic stake or other interest in the wise use of wetland resources.
- b. The government agency has stated policies supporting participatory management.
- c. Appropriate legal and financial incentives for participatory management are in place.
- d. A more equitable sharing of benefits among stakeholders has resulted from the participatory management process.
- e. Stakeholders have expressed satisfaction with their involvement in the process.

18. Trust

- a. There is a clearly stated and widely known policy or legal document that makes a commitment to involving local and indigenous people.
- b. All key stakeholders (particularly government) acknowledge participatory management as legitimate and desirable.
- c. Local and indigenous people are now involved in making substantive decisions affecting the wetland resource use and management.
- d. Local organizations to advance participatory management are respected within the community.
- e. Representatives of the local and indigenous people are truly representative and accountable to them.
- f. There are resource use and participation rules which are appropriate to the local situation.
- g. A management agreement exists between stakeholders (oral or written, formal or informal).
- h. The management agreement has clearly defined boundaries and membership.
- i. The management agreement specifically defines stakeholders' functions, rights and responsibilities.

- j. The management agreement has been approved by at least the resource -using stakeholders and ke decision-making groups
- k. Parties to the agreement meet their commitments.
- l. Non-compliance with approaches, rules, rights, and responsibilities outlined in the management agreement is deemed to be at an acceptable level.
- m. Any system of graduated sanctions for infringement of rules has been agreed upon by all key parties.
- n. There is evidence that resource management controls are being implemented.

19. Flexibility

- a. There is the potential for collective modification of the rules relating to resource use by those affected.
- b. There are “nested” management units (different bodies at different levels).
- c. There is evidence that the local and indigenous people can influence the speed and direction of change in relation to the resources with which they are concerned.
- d. Facilitators/coordinators practice “learning by doing” and adaptive management.

20. Knowledge exchange and capacity building

- a. There is an awareness among stakeholders of new management approaches, rules, rights, and responsibilities.
- b. There is a two-way flow of information and communication between local and indigenous people and relevant government agencies.
- c. Information reaches local and indigenous people in a timely and accurate manner, and in a form which is readily understandable
- d. Local and indigenous people participate in site monitoring and in evaluation of th participatory process.
- e. There is evidence of respect by key government agencies for local human systems and local ecological knowledge.
- f. Stakeholders are demonstrating necessary skills and empowerment (e.g., capacit to make decisions, monitoring skills, etc.).
- g. Measurement methods, established by the stakeholders, demonstrate and quantify the degree to which local participation was intended to, and actually has improved or conserved the recognized “functions and values” of the wetland and its wise use.

21. **Continuity**

- a. There are one or more organizational structures that facilitate local and indigenous people's involvement (e.g., a council, management body, women's group, etc.)
- b. A random sample of local and indigenous people are able to identify the community's role in wetland management, and the individuals who are directly involved can accurately describe the objective of their involvement.
- c. The government agency and its staff have a demonstrated commitment to participatory management, and can accurately describe the objective of local and indigenous people's involvement.
- d. There is an appropriately long-term source of funding for ongoing participation and resource management.
- e. Local and indigenous people have provided in-kind support (time, labour, traditional knowledge and expertise) to implement the participatory management agreement.
- f. Conflict management mechanisms exist, and there is an appeals process in case of conflicts within the management partnership.
- g. There is integration between local wetland management and management of the entire catchment

V. **Testing the participatory approach**

22. Local participation in wetland management is a tool for advancing the Convention's objective to achieve wise use of all wetlands. Administrative Authorities of the Ramsar Convention, managers, and process facilitators and coordinators need to be aware of existing wise use guidance and need to continuously apply this guidance in the participatory management decision-making process. The decision-making process should, at each stage, consider the implications of actions in terms of the following Ramsar standards and principles:

- a. Ramsar's Wise Use Guidelines (Recommendation 4.10 and Resolution 5.6);
- b. Ramsar's Management Planning Guidelines (Resolution 5.7);
- c. Monitoring ecological character of the site (Article 3; Recommendation 5.2, Resolution VI.1, and Resolution VII.10).
- d. Standards for managing for wise use:
 - i. there is an increase or maintenance of species diversity, size of wetland area, and water quality
 - ii. resource use is sustainable;
 - iii. the precautionary principle is being applied;

- iv. cost-benefit analyses consider wetland functional values
- v. the participatory process takes a catchment perspective and decisions within that framework consider what is best for the wetland(s); and
- vi. degradation of wetlands has been replaced by efforts to restore and rehabilitate them.

Annex 2

IUCN - World Conservation Union / WCPA - World Commission on Protected Area
WWF - World Wide Fund For Nature

PRINCIPLES AND GUIDELINES ON INDIGENOUS AND TRADITIONAL PEOPLES AND PROTECTED AREAS

Joint Policy Statement

Background

These principles and guidelines respond to WCC Resolution 1.53 on Indigenous Peoples and Protected Areas, adopted at the World Conservation Congress in Montreal, October, 1996, which

“requests the Director General, the Secretariat and technical programmes, Commissions, members, and Councillors of IUCN, within available resources, to endorse, support, participate in and advocate the development and implementation of a clear policy in relation to protected areas established in indigenous lands and territories”.

Resolution 1.53 is based on recommendations from the IV World Congress on National Parks and Protected Areas (Caracas, Venezuela, 1992), calling for the development of policies for protected areas that safeguard the interest of indigenous peoples, and take into account customary resource practices and traditional land tenure systems

While the process of developing this document was accelerated after the resolution from Montreal, work began in 1995 between the IUCN Co-ordinator for Indigenous Peoples, the Programme on Protected Areas, and WCPA. In parallel, WWF had been developing their own ideas, building on a series of regional and national workshops with indigenous peoples' organizations. Noting that many common issues emerged from both the WWF and IUCN consultations on this subject, it was decided to work together in developing a common position, building on the successful development of a WWF/IUCN joint policy on forest conservation.

Annex 1 provides a definition of “indigenous peoples”, as stated in ILO Convention 169, which has been adopted in this document.

Part 1: Introduction

IUCN describes a protected area as

*An area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural **and associated cultural resource**, and managed through legal or other effective means [emphasis added]. (IUCN, 1994(a)).*

This reference to "associated cultural resources" reflects a view of conservation that can accommodate the social, economic and cultural interests, values, rights and responsibilities of local communities living in and around protected areas.

It is sometimes assumed that protected areas must be in conflict with the rights and traditions of indigenous and other traditional peoples on their terrestrial, coastal/marine, or freshwater domains. In reality, where indigenous peoples are interested in the conservation and traditional use of their lands, territories, waters, coastal seas and other resources, and their fundamental human rights are accorded, conflicts need not arise between those peoples' rights and interests, and protected area objectives. Moreover, formal protected areas can provide a means to recognise and guarantee the efforts of many communities of indigenous and other traditional peoples who have long protected certain areas, such as sacred groves and mountains, through their own cultures. Sometimes, indeed, these communities now require outside support to defend such valued places against external threats - support which protected areas can provide.

Specifically, what many indigenous and other traditional peoples' organizations have demanded is that protected areas established on their terrestrial, coastal/marine and freshwater domains:

- effectively protect those domains, as well as the people and cultures they contain, from external threats, and in particular reinforce traditionally protected areas,
- recognise indigenous and other traditional peoples' rights to their lands, territories, waters, coastal seas, and other resources,
- recognise their rights to control and co-manage these resources within protected areas,
- allow participation of traditional institutions in co-management arrangements within their terrestrial, coastal/marine and freshwater domains,
- recognise the rights of indigenous and other traditional peoples to determine their own development priorities - as long as these priorities are compatible with protected area objectives,
- be declared only at their initiative, and/or with their free and prior informed consent,
- incorporate sustainable use of natural resources using methods that maintain the integrity of the ecosystem and that have been used traditionally by indigenous peoples.

These claims can be reconciled with the objectives of protected areas, as defined by IUCN, particularly those under Categories V and VI (see Annex 3). However, they require that governments, that have not already done so, put in place policies and strategies to help establish effective, sustainable partnerships between conservation agencies and indigenous and other traditional peoples. Indigenous peoples should participate in the co-management of their traditional land and territories and have equal opportunities to members of other groups, as well as other stakeholders interested in the conservation of that area. All decisions passed by co-management organizations should ensure that the maintenance of the ecological integrity of protected areas remains the highest priority. Partnerships between indigenous peoples and protected area management agencies should be based on a sound understanding of the social, economic, and cultural needs of individuals, peoples, and nations, as well as of the complex interplay of factors driving resource-use patterns.

In line with current understanding of the concept of sustainable development, as well as with the Convention on Biological Diversity, ILO Convention 169, Agenda 21, and the Rio Declaration on Environment and Development, WWF and IUCN recognise that:

- protected areas will survive only if they are seen to be of value, in the widest sense, to the nation as a whole and to local people in particular;
- the territorial and resource rights of indigenous and other traditional peoples inhabiting protected areas must be respected by promoting and allowing full participation in co-management of resources, and in a way that would not affect or undermine the objectives for the protected area as set out in its management plan;
- knowledge, innovations and practices of indigenous and other traditional peoples have much to contribute to the management of protected areas
- governments and protected area managers should incorporate customary and indigenous tenure and resource use, and control systems, as a means of enhancing biodiversity conservation.

In WCC resolution 1.53, IUCN has acknowledged that indigenous peoples have the right "to participate effectively in the management of the protected areas established on their lands or territories", and therefore agreements should be reached with them "prior to the establishment of protected areas in their lands or territories". This resolution also requests all components of IUCN to "endorse, support, participate in and advocate the development and implementation of a clear policy in relation to protected areas established in indigenous lands and territories". This action is to be based on the recognition of land/territorial and resource rights, the necessity for prior agreement on the establishment of new protected areas on their lands or territories, and rights to effective participation in protected area management (the full text of the resolution is at Annex 2).

The IUCN system of protected area management categories was first published in 1978 (IUCN, 1978). Following comprehensive review, including through a workshop at the IVth World Congress on National Parks and Protected Areas (Caracas, Venezuela, 1992), a revised version of the guidelines was adopted, by Resolution 19.4, at the IUCN General Assembly in Buenos Aires in 1994 (IUCN, 1994b), and published later that year (IUCN, 1994(a), see Annex 3). Most of these revised categories explicitly recognise that indigenous and local communities may occupy and/or use such areas. The system as a whole has the potential to accommodate a range of models of protected areas, according to the degree of human intervention, in a way that both indigenous and other traditional peoples' rights and conservation objectives can be respected.

In its Statement of Principles on Indigenous Peoples and Conservation, WWF declares that:

"WWF will not promote or support, and may actively oppose, interventions which have not received the prior, free and informed consent of affected indigenous communities, and/or would adversely impact - directly or indirectly - on the environment of indigenous peoples' territories, and/or would affect their rights. This includes activities such as:

- economic or other development activities
- natural resources exploitation;
- commercially oriented or academic research

- resettlement of indigenous communities
- creation of protected areas or imposition of restrictions on subsistence resource use;
- colonization within indigenous territories".

Based on the advice in the protected areas management categories, on established WWF and IUCN policies on indigenous peoples and conservation, and on conclusions and recommendations of the IV World Congress on National Parks and Protected Areas, the two organizations, WWF and IUCN/WCPA, have adopted the following Principles and Guidelines on Indigenous / Traditional Peoples and Protected Areas (Part 2). These provide a basis upon which to develop partnerships between indigenous and other traditional peoples and protected area planners and managers. This will facilitate the establishment and management of protected areas which overlap with ancestral indigenous and other traditional peoples' areas, and/or include indigenous and local communities traditionally using their resources.

In addition, the two organizations have also prepared a number of Case Studies (Part 3) which demonstrate experience around the world in natural resource management within protected areas overlapping with indigenous and other traditional peoples' lands, territories or areas. The Case Studies are intended to provide examples and information that can be used to further develop and strengthen partnerships for protected area management.

The Principles and Guidelines proposed in this document should be considered as a framework aimed at providing guidance, not as a blueprint. Thus, they should be adapted to the particular situation, legislation, and policies of each country, and used together with other complementary approaches and tools, to ensure effective management of protected areas in partnership with indigenous and other traditional peoples living within or around their borders.

Part 2: Principles and Guidelines on Protected Areas and Indigenous / Traditional Peoples

Principle 1

Indigenous and other traditional peoples have long associations with nature and a deep understanding of it. Often they have made significant contributions to the maintenance of many of the earth's most fragile ecosystems, through their traditional sustainable resource use practices and culture-based respect for nature. Therefore, there should be no inherent conflict between the objectives of protected areas and the existence, within and around their borders, of indigenous and other traditional peoples. Moreover, they should be recognised as rightful, equal partners in the development and implementation of conservation strategies that affect their lands, territories, waters, coastal seas, and other resources, and in particular in the establishment and management of protected areas.

Guidelines

1.1 In cases where protected areas overlap with indigenous and other traditional peoples' lands, territories, waters, coastal seas, and other resources, agreements should be sought between the respective communities involved and conservation agencies, without prejudice to

any other existing treaty or legal arrangement involving indigenous and other traditional peoples. Such agreements should: establish common objectives and commitments to the conservation of protected areas; define responsibilities for conservation and sustainable use of biodiversity and natural resources contained in them; and be the basis for management objectives, standards, regulations, etc. Agreements should be streamlined so that they create the minimal bureaucracy necessary to ensure efficient co-management of resources;

1.2 Development of such agreements should be framed within national protected area objectives, plans and policies, and within the framework of national laws and regulations. This is necessary to ensure that such agreements are consistent with national objectives and obligations towards the protection of the natural and cultural heritage of a given country, including any relevant international obligations (e.g. under international conservation agreements);

1.3 The formulation of protected area management plans should actively incorporate indigenous and traditional knowledge, experiences and practices for ecologically sustainable use of local resources, together with contributions and tools derived from other knowledge systems, including those of the natural and social sciences;

1.4 The mechanisms for monitoring indigenous and other traditional peoples' terrestrial, coastal/marine and freshwater zones within protected areas should also integrate traditional knowledge and practices relevant to biodiversity conservation and sustainable use, and tools derived through other knowledge systems;

1.5 As far as possible, there should be harmony between national protected area legislation and the system of international protected area categories advocated by IUCN (Annex 3). Being fully compatible with these principles and guidelines, this system offers useful options for the interests of indigenous and other traditional peoples, and for resolving disputes concerning protected areas.

Principle 2

Agreements drawn up between conservation institutions, including protected area management agencies, and indigenous and other traditional peoples for the establishment and management of protected areas affecting their lands, territories waters, coastal seas and other resources should be based on full respect for the rights of indigenous and other traditional peoples to traditional, sustainable use of their lands, territories, waters, coastal seas and other resources. At the same time, such agreements should be based on the recognition by indigenous and other traditional peoples of their responsibility to conserve biodiversity, ecological integrity and natural resources harboured in those protected areas.

Guidelines

2.1 Agreements between representatives of the respective communities and conservation agencies for the establishment and management of protected areas should contribute to securing indigenous and other traditional peoples' rights, including the right to the full and effective protection of their areas, resources and communities. At the same time, such

agreements should define the responsibilities of both parties to conserve and sustainably manage the resources of those communities, and which protected areas are intended to safeguard;

2.2 As part of the development of such agreements, the following indigenous and other traditional communities' rights should be respected in relation to the lands, territories, waters, coastal seas and other resources which they traditionally own or otherwise occupy or use, and which fall within protected areas:

- a) rights with regard to sustainable, traditional use of their lands, territories, waters, coastal seas and other resources that fall within protected areas,
- b) rights to participate in controlling and managing their lands, territories, waters, coastal seas and other resources, in compliance with agreed management regulations and plans,
- c) rights to participate in deciding on issues, such as technologies and management systems, affecting their lands, territories, waters, coastal seas and other resources, subject to agreed management regulations and plans,
- d) rights to participate in determining priorities and strategies for the development or use of their lands, territories, waters, coastal seas and other resources, in the context of agreed management regulations and plans,
- e) rights to use their own traditional institutions and authorities to co-manage their terrestrial, coastal/marine and freshwater areas, as well as to defend them from external threats, subject to agreements with the agencies in charge of national protected area systems,
- f) rights to require that States obtain the free and informed consent of the respective communities, prior to the approval of any project affecting their lands, territories, waters, coastal seas or other resources,
- g) rights to improve the quality of their lives, and to benefit directly and equitably from the conservation and ecologically sustainable use of natural resources contained in their terrestrial, coastal/marine and freshwater areas,
- h) collective rights to maintain and enjoy their cultural and intellectual heritage, particularly the cultural patrimony contained in protected areas, and the knowledge related to biodiversity and natural resource management
- i) rights not to be removed from the zones they have traditionally occupied within protected areas. Where their relocation is considered necessary as an exceptional measure, it should take place only with the free and prior, informed consent of the indigenous and other traditional peoples affected, and with appropriate compensation.

2.3 The establishment of new protected areas on indigenous and other traditional peoples' terrestrial, coastal/marine and freshwater domains should be based on the legal recognition of collective rights of communities living within them to the lands, territories, waters, coastal seas and other resources they traditionally own or otherwise occupy or use

2.4 However, since legal recognition of rights does not fall within the mandate of protected area managers, managers should promote interim arrangements with the respective indigenous and other traditional communities. Such arrangements, while fully respecting the rights and claims of such peoples and communities, and not interfering with the respective legal processes underway to determine these, should ensure that protection measures are put quickly into place, based where needed on management or co-management agreements.

2.5 In cases where indigenous and other traditional peoples' rights within protected areas are not yet recognised by a government, and until the process leading towards such recognition is completed, the concerned communities should still be guaranteed access to the resources existing in their terrestrial, coastal/marine and freshwater areas, insofar as they are necessary for their livelihoods. Any access restrictions should be agreed on with the communities concerned, and appropriate compensation should be given in cases where such restrictions are considered necessary by all parties, to ensure appropriate conservation of the resources contained within the protected area.

Principle 3

The principles of decentralisation, participation, transparency and accountability should be taken into account in all matters pertaining to the mutual interests of protected areas and indigenous and other traditional peoples.

Guidelines

3.1 Within indigenous and other traditional peoples' terrestrial, coastal/marine and freshwater domains included in protected areas, authorities representing indigenous and other traditional peoples, as well as indigenous and other traditional peoples' decision-making mechanisms and processes, should be recognised and respected, within the framework of national legislation and policies. To this end, the legal and institutional structure of protected area systems should be reformed as appropriate, so as to accommodate these institutions and decision-making mechanisms and processes in a co-management framework;

3.2 Management of protected areas should occur through a formal mechanism, which recognises both rights and responsibilities, for example by management and co-management agreements, and by jointly devised management plans. Indigenous and traditional institutions which co-manage those areas, as well as the respective local, provincial, or national protected area agencies, should be mutually accountable for the fulfilment of the agreed objectives and plans;

3.3 Mutual assessment of performance should be encouraged through regular monitoring and transparent reporting by both protected area agencies and indigenous and other traditional peoples' organizations;

3.4 New protected areas within indigenous and other traditional peoples' terrestrial, coastal/marine and freshwater domains should be established only on the basis of voluntary declaration, and/or on agreement between representatives of the respective communities and the local, provincial, or national government;

3.5 The process of establishing new protected areas on indigenous and other traditional peoples' terrestrial, coastal/marine or freshwater domains should fulfil the following procedures:

- a) collaborative research with the indigenous and other traditional peoples concerned for the identification of the features that make the area suitable for protection,

- b) initiation of formal processes to give legal recognition to indigenous and other traditional peoples' land and resource rights, if such legal recognition does not yet exist,
- c) agreement on the designation and management of the protected area, involving the respective organizations and communities, relevant government agencies, non-governmental conservation agencies, and other stakeholders, including arrangements which will ensure mutual accountability,
- d) collaborative development of a management plan between the respective government and non-governmental conservation bodies and the communities concerned

3.6 In developing solid partnerships with indigenous and other traditional peoples for protected area management, government agencies and non-governmental conservation organizations should inter alia:

- promote open dialogue with indigenous and other traditional peoples' organizations and communities, based on these and other appropriate principles and guidelines,
- promote and support the necessary legal and policy changes,
- develop conflict-resolution processes whenever necessary, and
- encourage and develop capacity-building actions for indigenous and other traditional peoples' organizations and communities.

3.7 Governments and non-governmental organizations should provide resources to develop campaigns directed at the national population, aimed at increasing public awareness about indigenous and other traditional peoples' cultural and spiritual values and rights. This is to help ensure that the society as a whole recognises the rights of indigenous and other traditional peoples to exercise management of their terrestrial, coastal/marine and freshwater domains, and understands the environmental benefits of respecting these rights.

Principle 4

Indigenous and other traditional peoples should be able to share fully and equitably in the benefits associated with protected areas, with due recognition to the rights of other legitimate stakeholders.

Guidelines

4.1 In order for co-management agreements between indigenous and other traditional peoples and protected area managers to be effective, governments should guarantee the provision of such benefits as:

- effective defence of territories against external threats,
- support and legal protection of territories,
- consolidation of territories, including their demarcation,
- technical, financial and political support for indigenous and other traditional peoples' own management activities, and
- sustained capacity-building actions and processes for indigenous and local communities, in order to help them to manage their areas and resources effectively.

4.2 Governments should design and implement economic and other incentive systems for conservation and sustainable use of indigenous and other traditional peoples' terrestrial coastal/marine and freshwater domains contained in protected areas

4.3 Governments should ensure that indigenous and other traditional peoples benefit fully from the economic and employment opportunities associated with the existence of protected areas, e.g. from income generated by tourism, and by employment in protected area management.

Principle 5

The rights of indigenous and other traditional peoples in connection with protected areas are often an international responsibility, since many of the lands, territories, waters, coastal seas and other resources which they own or otherwise occupy or use cross-national boundaries, as indeed do many of the ecosystems in need of protection.

Guidelines

5.1 Where indigenous and other traditional peoples' lands, territories, waters, coastal seas, and other resources are located within trans-frontier protected areas, governments should adopt instruments to guarantee that protected area management respects and supports the integrity of the respective indigenous and local communities;

5.2 In order to guarantee both conservation objectives and indigenous and other traditional peoples' rights in areas which have been subject to armed conflict or dispute, governments (singly or in partnership with their neighbours in the region), and other relevant institutions, should develop agreements and measures to ensure that indigenous and other traditional peoples' terrestrial, coastal/marine and freshwater domains within protected areas are treated as zones of peace and reconciliation.

Annex 1

ILO Convention 169

Definition of Indigenous and Tribal Peoples

"1. This Convention applies to:

(a) tribal peoples in independent countries whose social, cultural, and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations

(b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

2. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply" (Article 1).

Annex 2

IUCN World Conservation Congress (WCC)

Resolution 1.53 - Indigenous Peoples and Protected Areas (October 1996)

RECALLING that some protected areas have been established on indigenous lands and territories without the consent and participation of the affected people

CONSIDERING the terms of ILO Convention No. 169 and those of the Convention on Biological Diversity, regarding the role of indigenous peoples with respect to the management use and conservation of biodiversity;

CONSIDERING the recommendations and guidelines established in Agenda 21;

CONSIDERING the emphasis placed in Caring for the Earth on the role of indigenous peoples in sustainable development and their rights in the management of natural resources

CONSIDERING the recommendations of the IVth World Congress on National Parks and Protected Areas, calling for the development of policies for protected areas which safeguard the interests of indigenous peoples;

RECOGNIZING that several governments have already adopted policies and measures to fully incorporate the rights and interests of indigenous peoples in the establishment and management of protected areas within their lands and territories

The World Conservation Congress at its 1st Session in Montreal, Canada, 14 -23 October 1996:

1. REQUESTS the Director General, the Secretariat and technical programmes, Commissions, members and Co-ordinators of IUCN, within available resources, to endorse, support, participate in and advocate the development and implementation of a clear policy in relation to protected areas established in indigenous lands and territories, based on the following principles:

- a) recognition of the rights of indigenous peoples with regard to their lands or territories and resources that fall within protected areas
- b) recognition of the necessity of reaching agreements with indigenous peoples prior to the establishment of protected areas in their lands or territories
- c) recognition of the rights of the indigenous peoples concerned to participate effectively in the management of the protected areas established on their lands or territories, and to be consulted on the adoption of any decision that affects their rights and interests over those lands or territories.

2. URGES all IUCN members to establish appropriate mechanisms at the national level, for the development and implementation of policies on protected areas and indigenous peoples that are consistent with these principles.
3. REQUESTS the World Commission on Protected Areas to establish closer links with indigenous peoples' organizations, with a view to incorporating the rights and interests of indigenous peoples in the application of the IUCN Protected Area Management Categories
4. REQUESTS the Director General, within available resources, to incorporate in IUCN's work on protected areas and natural heritage, specific actions aimed at ensuring the further development and implementation of appropriate policies based on these principles.

Annex 3

IUCN System of Protected Area Management Categories (1994)

The six management categories are defined by the primary management objective, as follows:

- I. Protected area managed mainly for I(a) science or I(b) wilderness protection.** Areas of land and/or sea possessing some outstanding or representative ecosystems, geological or physiological features and/or species, available primarily for scientific research and/or environmental monitoring; or large areas of unmodified or slightly modified land, and/or sea, retaining their natural character and influence, without permanent or significant habitation, which are protected and managed so as to preserve their natural condition (Strict Nature Reserve/Wilderness area).
- II. Protected area managed mainly for ecosystem conservation and recreation .** Natural areas of land and/or sea, designated to (a) protect the ecological integrity of one or more ecosystems for this and future generations, (b) exclude exploitation or occupation inimical to the purposes of designation of the area and (c) provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible (National Park).
- III. Protected area managed mainly for conservation of specific features.** Areas containing one, or more, specific natural or natural/cultural feature which is of outstanding or unique value because of its inherent rarity, representative or aesthetic qualities or cultural significance (Natural Monument).
- IV. Protected area managed mainly for conservation through management intervention.** Areas of land and/or sea subject to active intervention for management purposes so as to ensure the maintenance of habitats and/or to meet the requirements of specific species. (Habitat/Species Management Area).
- V. Protected area managed mainly for landscape/seascape conservation and recreation.** Areas of land, with coast and sea as appropriate, where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic, cultural and/or ecological value, and often with high biological diversity. Safeguarding the

integrity of this traditional interaction is vital to the protection, maintenance and evolution of such an area. (Protected Landscape/Seascape).

VI. Protected area managed mainly for the sustainable use of natural ecosystems
Areas containing predominantly unmodified natural systems, managed to ensure long-term protection and maintenance of biological diversity, while providing at the same time a sustainable flow of natural products and services to meet community needs (Managed Resource Protected Area).

Source: IUCN, 1994(a)

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Annex 3

FIRST LATIN AMERICAN CONGRESS ON NATIONAL PARKS AND OTHER PROTECTED AREAS

WORKSHOP ON INDIGENOUS TERRITORIES AND PROTECTED AREAS

CONCLUSIONS

I.- General considerations

01. There are basically three situations for which it is required to define general and specific policies:

- a. existing protected areas that include indigenous populations (or which partially overlap with indigenous lands and territories)
- b. indigenous territories that totally overlap with existing protected area
- c. indigenous territories that are not protected areas, but which could be so under certain conditions.

02. It is recognized that unilateral decisions of declaring protected areas on indigenous territories affect fundamental rights of the indigenous peoples and do not guarantee long term conservation. The adoption of strategies based on agreement is an indispensable condition to overcome those erroneous approaches in the establishment and management of protected areas.

03. In whatever of the three cases, the fundamental condition for the existence of understanding and cooperation between indigenous peoples and protected areas is that the rights and interests of the indigenous people be fully recognized and respected, and that they prevail on whatever decision or model of protection.

04. The search process of these understandings or agreements is part of a wider construction process of a new paradigm on protected areas where they become not unilateral actions of public agencies, but products and instruments of a social agreement that looks to improve land management for the well-being of everyone. In this context, it is necessary to reform the national systems of protected areas in several aspects, and not only from the point of view of the indigenous peoples. Particularly, as the CICAFOC (*Coordinadora Indígena y Campesina de Agro-Forestería Comunitaria Centroamericana*) proposes, there should be a real process of decentralization and democratization of protected areas.

A. Already declared protected areas that include indigenous populations

05. As a formula to promote the democratization of the protected areas systems, the states, the indigenous communities, the conservation agencies and the non governmental organizations should foster mechanisms of dialogue that involve an always broader population in the protection of natural resources.

06. In the process of defining an agenda for agreement, it is necessary that protected area managers make an effort to understand, respect and value the involved peoples and their world

views. They should try to know them better and value indigenous knowledge and cultural diversity. On top of this, there should be an effort to create bridges of genuine communication where both points of view are taken into account.

07. Countries should recognize that there is not incompatibility between the objectives of protected areas and the existence of indigenous peoples within their borders.

08. The recognition of the fundamental rights of people living within protected areas is the basis for reaching a mutually beneficial agreement. Such rights are those of existing as a culturally diverse people, rights to the lands and territories traditionally occupied, and access rights to natural resources on which their livelihoods depend. As COICA (*Coordinadora de Organizaciones Indígenas de la Cuenca Amazónica* - Coordinating Body of Indigenous Organizations of the Amazon Basin) states, "In cases in which protected areas overlap with indigenous territories, governments should clearly and objectively recognize our territorial rights."

09. In order to achieve the recognition of these rights and ensure a new form of management of these areas, it is necessary to promote legal and political reforms in the region, because in several countries rights to indigenous lands and territories within protected areas are not incorporated into the national legislation. The Workshop identified the existence of a variety of situations in this regard, ranging from cases like the Colombian one where important progress in the field of recognition of indigenous peoples rights has been achieved, to others where this recognition is limited.

10. On the basis of the recognition of these rights, a true agreement between protected area agencies and the involved indigenous peoples must be reached.

11. Even if the processes of recognition of these rights do not end soon in concrete results, such agreement must be prioritized and must progress through a long term agenda. Likewise, measures to allow the effective intervention of peoples in the management of these areas should be taken.

12. As for access to natural resources, the Workshop agrees with COICA in the affirmation of the indigenous rights to use and access natural resources existing in their territories. As stated by OPIAC (*Organización de Pueblos Indígenas de la Amazonía Colombiana* - Organization of Indigenous Peoples of the Colombian Amazon), "the environmental authority should admit the exercise of a legitimate economic activity as long as that exercise does not compromise reasonable limits of contamination and environmental damage. If it exceeds those limits, the common good will demand that the particular exercise of that activity be restricted or prohibited." The establishment of access restrictions to resources has to be based on the visions, interests and forms of management of the involved peoples, and also be subjected to an agreement.

13. The recognition of indigenous territorial rights and access rights to natural resources in protected areas should not be mutually conditioned to the exercise of both rights. Even without recognition of territorial rights, indigenous peoples should be guaranteed access to the existing resources in their territories.

14. The recognition of land and territorial rights, as COICA points out, is the basis for defining "forms of co-management in the administration and use of those areas." This co-management should function in all phases of the process of management of those protected areas, and it must begin even before rights are formally and fully recognized.

15. Processes of strengthening of the indigenous movement must be supported, so that it can more effectively participate in actions aimed at securing recognition of their rights.

16. Also, there must be a wide promotion of indigenous rights, in all sectors and at the national and regional levels, especially in those countries where their recognition is weaker .

17. The knowledge, experiences and management practices of the peoples involved in protected areas should be considered as a basis for the joint management planning of such areas.

18. Institutions managing protected areas in the region should be reform ed, so that the can effectively promote participation and strengthening of the role of indigenous peoples in these areas.

B. Existing protected areas that completely overlap with indigenous territories

19. In these cases, in order to settle an effective agreement between indigenous peoples and protected area managers, it is necessary that the State shows its commitment to offer tangible benefits to the people that own such lands and territories. These benefits might include:

- effective defense of territories against external threats.
- support and legal protection of territories.
- consolidation of control of territories, including their demarcation.
- technical and political support to management activities that communities carry ahead
- transfer of the required financial resources to indigenous communities.
- supply of services and support to development actions, according to the requirements expressed by the people and to the established agreements.
- generation of incentives for conservation.

20. The formulation of management plans in these areas should be based on indigenous knowledge, experiences and practices for using the territory.

21. On the basis of agreements about standards and norms for the management of these protected areas, the state must keep attributions of control for the execution of conservation objectives, but delegate management functions to the indigenous peoples themselves as much as possible.

22. In these protected areas, the need for a re-classification and/or redefinition of management categories must be considered as a result of the agreement process between the managers of protected area systems and the respective indigenous peoples.

23. States should reform the institutional structure of protected area systems, so that a greater flexibility in mechanisms of administration exists. This includes, for instance,

decentralization of the systems and creation of mechanisms of administration based on the reality of each area and people.

24. Management of indigenous lands and territories within these protected areas must be in the hands of indigenous peoples, and be done through their own institutions that they utilize for the government of their territory. Management attributions of these indigenous institutions must include their capacity to exercise authority with their own systems of regulation and administration, especially when it comes to apply them within their communities; as well as the necessary institutional support to face external agents.

25. The possibility of creating a new management category in national protected area systems must be considered, in order to include indigenous territories that are protected areas at the present time, or that could become so under the conditions explained below.

C. Indigenous territories that could acquire the status of protected area

26. The basis for indigenous territories to acquire protected area status lies in the interest of the indigenous peoples themselves in conserving and sustainably managing their lands, territories and resources. For this reason, if a protected area is established based on a true agreement, it could help indigenous peoples to self-critically examine their problems and apply appropriate solutions to them

27. For indigenous territories to acquire the status of protected area, whether it be totally or partially, it must necessarily start from the will of the respective indigenous peoples in order to declare them so. Protected areas must not be created if it is not by the voluntary initiative of those peoples and/or by agreement between them and the sponsors of the protected areas system. In these cases, indigenous territories should continue keeping their status as such, in addition to the status of protected area.

28. Objectives and technical norms for the management of these protected areas, including zoning, must be concerted and based on management patterns of the respective peoples.

29. Management of lands within new protected areas overlapping completely with indigenous territories must be in the hands of the respective indigenous people, and must be implemented through the institutions that they normally utilize for the government of their territory.

30. In the establishment of agreements for the declaration of these protected areas, the state must keep its attributions of control and monitoring of the execution of the objectives of conservation.

31. States must commit themselves to fulfill all the activities described in previous sections for existing protected areas. On their part, indigenous peoples must make a long-term commitment to accomplishing the conservation objectives in protected areas.

32. In the establishment of a new category in the national legislation for protected indigenous territories, it is recommended that activities to exploit underground mineral resources be excluded, due to the high impact that they have not only on nature but also on the

culture and well-being of indigenous peoples. It is recommended that this topic deserve a special analysis in the process of establishing a new category in the national legislation.

33. In order to proceed in applying the aforementioned criteria and recommendations, it is suggested that states agencies, indigenous organizations, non -governmental organizations, cooperation agencies, and other stakeholders take into account the principles, proposals and suggestions presented to the Workshop by COICA, OPIAC, WWF, UICN, CICAFOC and other entities and individuals. For this purpose, the organizers of the Congress are asked to make the respective documents available.

II. Final considerations

34. To Latin American governments that up to date have not ratified the ILO Conventi 169 on Indigenous and Tribal Peoples in Independent Countries, it is recommended that they fulfill the necessary procedures in order to ratify it, due to the importance of this instrument in guaranteeing the social and environmental rights of indigenous peoples. In the same manner, it is recommended to properly implement it.

35. In order to guarantee both indigenous rights and conservation objectives, it is recommended that the society as a whole establish the necessary agreements and measures to consolidate indigenous territories and protected areas as spaces of peace.

36. States must develop campaigns directed to the national population, aiming at increasing public awareness about the indigenous world views and rights, so that the rest of the society understands and accepts the right of indigenous peoples to exercise autonomous management of their territories.

37. In those cases in which indigenous territories are located on border areas, governments should adopt instruments to guarantee respect for the rights of indigenous peoples and conservation of natural resources in those territories, following the spirit of the ILO Convention 169.

38. Successful experiences of natural resource management within protected areas overlapping with indigenous lands or territories should be gathered, systematized and disseminated.

39. Processes, methodologies and outputs obtained from the adoption of sustainable economic initiatives in indigenous territories overlapping with protected areas must be disseminated, from which a strengthening of indigenous communities and a greater respect and understanding of their rights be derived, as well as new proposals to preserve natural and cultural resources.

40. National environmental legislation must be harmonized with the system of international protected area categories proposed by IUCN, since these could offer useful options for the interests of indigenous peoples.

41. Progress achieved in the context of the Amazon Cooperation Treaty (TCA) in support of protected areas overlapping with indigenous lands and territories must be recognized and valued; this type of processes should be promoted and strengthened.

42. Progress attained in the definition of new principles for partnership between indigenous peoples and protected areas, such as the ones developed by WWF, IUCN and COICA, among others, must be recognized and valued. Therefore, it is recommended to enlarge, foster and strengthen this type of processes.

Santa Marta, Colombia, 28 May 1997